

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARC GRANO, as personal representative of the WRONGFUL DEATH ESTATE OF JONATHAN ANDREW GARCIA, and a Next Friend to J.O.G., A.S.R., An.J.G., and Ar.J.G.,

Plaintiff,

vs.

STATE OF NEW MEXICO, GREGG MARCANTEL, New Mexico Secretary of Corrections, DAVID JABLONSKI, New Mexico Secretary of Corrections, CLARENCE OLIVAS, Deputy Warden of Penitentiary of New Mexico, BRIAN LUCERO, Corrections Officer, FNU MARTINEZ, Corrections Officer, FNU BACA, Captain, Corrections Officer, FNU WELLS, Sergeant, Corrections Officer, and JOHN DOES 1 through 5, employees, staff, agents of Penitentiary of New Mexico,

Defendants.

No. 1:20-cv-00147-PJK-KK

ORDER DISMISSING ACTION WITHOUT PREJUDICE

THIS MATTER comes before the court sua sponte. On June 25, 2020, the court entered an order to show cause why the court should not dismiss this case for failure to timely serve the Defendants. ECF No. 4. Plaintiff responded indicating that he would

serve the defendants and file the returns. ECF No. 5. The magistrate judge entered a text-only order allowing Plaintiff until July 23, 2020 to serve the defendants. ECF No. 6. Nothing in the record suggests that the defendants have been served.

NOW, THEREFORE, IT IS ORDERED that this action is dismissed without prejudice.

DATED this 21st day of August 2020, at Santa Fe, New Mexico.

/s/ Paul J. Kelly, Jr.
United States Circuit Judge
Sitting by Designation